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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,671	05/17/2001	Woonhee Hwang	944-003.083	3352

4955 7590 08/28/2002

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EXAMINER

SMITH, SHEILA B

ART UNIT PAPER NUMBER

2685

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/859,671

Applicant(s)

WOONHEE ET AL.

Examiner

Sheila B. Smith

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2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 5, 6,7 , 10-12,15-17, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi et al. (U. S. Patent Number 6,405,045).

***Regarder claim 1, 6, 11,16***, Choi et al. essentially discloses all of the claimed invention as set forth in the instant application, additionally Choi et al. discloses a dynamic over load control device and method in digital mobile communication system, Choi et al. further discloses A method determine a first radio network controller that an overload condition exists, signaling a second radio network controller that overload conditions exists and a proposed alleviate the overload condition as disclosed in column 2 lines 45-55 and column 5 lines 1-6.

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**Regarding claim 2, 7,12,17,** Choi et al. discloses everything claimed, as applied above (see claim 1) additionally, Choi et al. discloses action is to restrict data flow as disclosed in column 1 lines 50-60.

**Regarding claim 5, 10, 15, 20,** Choi et al. discloses everything claimed, as applied above (see claim 1) additionally, Choi et al. discloses action to release a radio bearer as disclosed in column 1 lines 50-60.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **3,4,8,9,13,14,18,19** are rejected under 35 U.S.C. 103(a) as being unpatentable over <sup>Choi et al.</sup> in view of Frodigh et al. (U.S. Patent Number 6381458).

**Regarding claims 3,4,8,9,13,14,18,19** Choi et al. discloses everything claimed, as applied above (see claim 1) however Choi et al. fails to specifically disclose interfrequency and intersystem handover.

In the same field of endeavor, Frodigh et al. discloses a method and system for soft handoff control based on access network capacity. Frodigh et al. discloses interfrequency and intersystem handover in column 2 lines 41-45 and 7 lines 33-36 .

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Choi et al. by modifying dynamic over load control device and method in digital mobile communication system with a interfrequency and intersystem handover as taught by Frodigh et al. for the purpose of stopping of a system caused by the overload.

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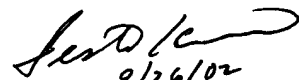
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6306 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

S. Smith  
August 26, 2002

  
8/26/02  
LESTER G. KINCAID  
PRIMARY EXAMINER